

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FRANK JONES,)	
)	
Plaintiff,)	2:07cv951
)	Electronic Filing
v.)	
)	
JEFFREY BEARD, SECRETARY OF)	Judge Cercone
CORRECTIONS, et al.,)	Magistrate Judge Bissoon
)	
Defendants.)	

MEMORANDUM ORDER

Frank Jones's civil rights suit was commenced with the filing of a petition to proceed *in forma pauperis* on July 10, 2007. The matter was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates, and was later referred to Magistrate Judge Cathy Bissoon.

The Magistrate Judge's Report and Recommendation dated May 22, 2009, recommended that Defendants' Motion for Summary Judgment (Doc. 35) be granted. The parties were allowed ten days from the date of service to file objections. Plaintiff sought an extension of time to file objections (Doc. 41), and objections were set for June 22, 2009. On June 22, 2009, Plaintiff filed a "Motion for Leave to File Amended Complaint" (Doc. 42). A review of the brief he filed along with the Motion (Doc. 42-2) indicates that Plaintiff is, in fact, objecting to the Magistrate's Report

and Recommendation, and that he is repeating his version of the facts. Thus, the Motion to Amend will be denied, but will be treated as objections and will be considered by the Court.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 15 day of July, 2009

IT IS HEREBY ORDERED that the Defendants' Motion for Summary Judgment (Doc. 35) is GRANTED.

IT IS FURTHER ORDERED that the Motion for Leave to File Amended Complaint (Doc. 42) is DENIED, but that document has been treated as objections to the Report and Recommendation, and the arguments made therein have been considered by the Court.

The Report and Recommendation of Magistrate Judge Bissoon, (Doc. 40), dated May 22, 2009, is adopted as the opinion of the court.

D. Cercone
David Stewart Cercone
United States District Judge

cc: Frank Jones
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